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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 721 (1991)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to its resolution 721 (1991), which was adopted unanimously on 27 November 1991. It also takes into account resolution 740 (1992) in which the Council, inter alia, reaffirmed its approval, set out in resolution 724 (1991), of the United Nations peace-keeping plan contained in my predecessor's report of 11 December 1991 1/ and welcomed the continuing efforts of the Secretary-General and his Personal Envoy to remove the remaining obstacles in the way of the deployment of a peace-keeping operation.

2. The present report is in four parts. Section I describes recent developments relating to what were identified in my report of 4 February 1992 2/ as major obstacles to a decision by the Security Council to deploy a peace-keeping force in Yugoslavia. Section II deals with certain aspects of the concept and plan for such a force described in annex III to my predecessor's report of 11 December 1991 1/ (hereinafter referred to as "the plan"). Section III describes the structures and resources which, in my judgement, will be required for implementation of the plan. Section IV contains my recommendation that the Security Council should now decide to establish a peace-keeping force and associated civilian elements in Yugoslavia, as well as my observations on the conditions that will have to be fulfilled if the force is to be capable of carrying out its mandate.

I. RECENT DEVELOPMENTS

3. In my report of 4 February 1992, 2/ I indicated that the positions then adopted by the Government of Croatia and by the local leaders in what would be the United Nations protected area in the region known as the Krajina did not permit me to recommend the deployment of a United Nations peace-keeping force at that time. There have since been major developments in respect of the positions taken by both these parties.

4. First, in respect of the Government of Croatia, a letter was received from the President of the Republic of Croatia, Mr. Franjo Tudjman, on 6 February, the contents of which I conveyed to the Security Council in informal consultations on that date and which is reproduced as annex I. In its resolution 740 (1992), the Council took note that President Tudjman had "fully and unconditionally" accepted the United Nations concept and plan for a peace-keeping force in Yugoslavia. However, in subsequent statements to the media, doubts were cast on the validity of this assurance and a number of objections to the plan, already expressed to Under-Secretary-General Goulding in late January, 3/ were reiterated.

5. My Personal Envoy, Mr. Vance, therefore wrote to President Tudjman on 10 February in order to reconfirm that his full and unconditional acceptance of the plan signified acceptance of the text contained in annex III to my predecessor's report of 11 December 1991, 1/ in conformity with the explanations provided in my report of 4 February 1992. 4/ In a letter dated 11 February, which Mr. Vance and I received on the afternoon of 12 February, President Tudjman reiterated his full acceptance of the plan on this basis. However, he added that the status-of-forces agreement that would need to be concluded with his Government would "have to resolve a number of technical questions related to the normalization of life" in the United Nations protected areas. This exchange of correspondence between Mr. Vance and President Tudjman is attached as annexes II and III respectively.

6. Members of the Security Council will appreciate that several of the "technical questions" referred to by President Tudjman in his letter of 11 February 1992 are in fact substantive ones, relating to the extension of the authority of the Republic of Croatia over the United Nations protected areas in such areas as traffic, trade, banking and currency, the maintenance of law and order and the return of refugees. As has been made clear in my report of 4 February, 2/ the application of Croatian law in these matters in the United Nations protected areas, during the interim period pending a political settlement, would be inconsistent with a fundamental element in the plan. None the less, I have decided, in view of the overall situation in Yugoslavia, to accept in good faith President Tudjman's positive assurances and to leave these "technical questions" to be resolved within the letter and the spirit of the plan. At the same time, it is necessary to state, that if they are not so resolved, implementation of the plan will be endangered.

7. Secondly, in relation to the Krajina, I have received a letter dated 11 February from Mr. Borisav Jović, President of the State Committee established in Belgrade to cooperate with the United Nations on peace-keeping matters. In his letter, which appears as the enclosure to annex IV to the present report, Mr. Jović describes a meeting of the Krajina Assembly at which 81 deputies voted in favour of the United Nations plan, with no negative votes and 6 abstentions. On the basis of this vote and related undertakings by several leaders of that area, Mr. Jović states that "the decision means the definitive and unconditional acceptance of the United Nations plan and full readiness to cooperate in its execution" and recommends that I propose to the Security Council that United Nations peace-keeping forces be deployed.

8. Mr. Jović expresses the view that resistance to the plan by one leader of the Serbian communities in that area, Mr. Milan Babić, has "no undue significance". Members of the Council will be aware that on 10 February 1992 Mr. Babić held a meeting of a rival assembly in the Krajina, which decided that a referendum be held on this subject on 22 and 23 February. At the time the present report was being written, he and some of his supporters were still expressing opposition to the plan. However, I have come to the conclusion that I should not allow these objections by themselves to block the recommendation contained in the present report. They none the less constitute a potential danger to implementation of the plan. It is all the more important that the concerns and interests of the Serbian communities of the Krajina be fully considered in the Conference on Yugoslavia chaired by Lord Carrington. I believe this to be Lord Carrington's intention.

II. IMPLEMENTATION OF THE PLAN

9. The plan has already been submitted to the Security Council in annex III to my predecessor's report of 11 December 1991. 1/ It continues to provide a solid basis for the force whose establishment is recommended in the present report. But there are certain aspects relating to the practical implementation of the plan to which I should like to revert.

10. First, I should like to draw attention to the provision in paragraph 9 of the plan that the exact boundaries of the United Nations protected areas will be decided by an advance party of the United Nations force, after consulting local leaders. Work on this will begin as soon as possible after the Security Council has decided to approve the recommendation in the present report.

11. Paragraph 15 (c) of the plan refers to the possibility of weapons being handed over to the United Nations for "safe custody". In discussions with the parties concerned, it has emerged that the most practicable way of dealing with the weapons of the Territorial Defence units and personnel based in the United Nations protected areas would be for them to be placed in secure storage under a two-lock system, with one lock being controlled by the United Nations force and the other by the president of the council of the opstina concerned.

12. With reference to paragraph 21 of the plan, I have come to the conclusion that, for technical and practical reasons, it would be better for the force's headquarters to be located at Sarajevo, although the logistics battalion would be headquartered at Banja Luka.

13. Paragraph 21 of the plan also stated that the peace-keeping operation would be commanded by a civilian chief of mission. Having thought carefully about this, I have come to the conclusion that the appointment of a very senior civilian representative of the Secretary-General in Yugoslavia would blur the distinction between the peace-keeping role of the United Nations, whose primary purpose is to create the conditions in which a political settlement can be negotiated, and the peacemaking role of the European

Community, which is to conduct and mediate the necessary negotiations. I intend therefore to entrust the overall command of the United Nations operation to the Force Commander, who will be assisted in the political aspects of his duties by a senior civilian official to be designated as Director of Civil Affairs.

14. As is the normal practice in peace-keeping operations of this kind, the Force Commander will be instructed to establish a mixed military working group. This will consist of senior representatives of the Yugoslav National Army (JNA) and the Croatian Army, who will meet under the chairmanship of the Force Commander or his representative in order to facilitate implementation of the military aspects of the plan.

15. As reported in paragraph 16 of my report of 4 February 1992, 2/ an excellent working relationship has been established between the European Community Monitoring Mission (ECMM) and the small group of United Nations military liaison officers currently deployed in Yugoslavia. It is my intention to institute very early consultations with the President of the Council of Ministers of the European Community about the implications of the deployment of the United Nations force for the mandate of ECMM.

16. There is one other aspect of the plan on which I believe it would be useful to comment further in the present report. This is the provision that the existing local authorities and police should continue to function, on an interim basis and under United Nations supervision, pending the achievement of an overall political solution to the Yugoslav crisis. As noted in paragraph 8 of my report of 4 February 1991, 2/ this is one of the two central elements in the plan, the other being the demilitarization of the United Nations protected areas. It has been described in explicit terms to all the principal parties in Yugoslavia during the recent missions of my Personal Envoy, Mr. Cyrus Vance, and other emissaries. If either of these two central elements in the plan was not to be strictly respected, the plan would be undermined and there would be a grave risk that fighting would resume in the United Nations protected areas. It is important that the members of the Security Council and all the Yugoslav parties concerned should be alert to this danger from the outset.

17. The role of the United Nations peace-keeping operation as regards local administration and the maintenance of public order will be as follows:

(a) To identify, as soon as it is deployed, the existing arrangements for local administration and the maintenance of public order in each of the opstine in the United Nations protected areas, together with any existing regional structures;

(b) To confirm that the composition of the existing police forces reflects the national composition of the population which lived in the area concerned before the recent hostilities; and, in cases where that is not so, to arrange, in cooperation with the existing local authorities, any change that may be necessary;

(c) To monitor the work of the local police forces, in accordance with paragraph 12 of the plan;

(d) To use its good offices to ensure that any changes to the status quo as regards other aspects of local administration are consistent with the spirit of the plan and pose no threat to public order.

18. It is to be emphasized that these arrangements will be of an interim nature, pending the negotiation of an overall settlement. They will be without prejudice to that settlement or to the principle that the internal boundaries of Yugoslavia cannot be changed by force or without the consent of the parties concerned. In this connection, the flying of flags could, for instance, become a sensitive issue. The success of the operation recommended in the present report will, in this as in other matters, depend on the readiness of all concerned to exercise restraint and to refrain from actions that could disturb public order in the United Nations protected areas. Again, the United Nations force will use its good offices to resolve any difficulties that may arise in this regard.

19. It is also worth underlining that the return of displaced persons to their homes, in accordance with paragraph 20 of the plan, will be a major undertaking and will also require the full cooperation of all the parties concerned. I have asked the United Nations High Commissioner for Refugees to assume responsibility for designing and implementing a scheme, which will permit those displaced persons who wish to do so to return to their homes as soon as possible after the deployment of the United Nations force. I have assured her that all elements in that force will do everything possible to help in this critically important endeavour.

III. STRUCTURE AND RESOURCES OF THE UNITED NATIONS FORCE

20. I propose that the United Nations force be known as the United Nations Protection Force (UNPROFOR). As already indicated, its headquarters will be in Sarajevo, with sub-offices in Belgrade and Zagreb and a logistics base at Banja Luka. It will be deployed in the three United Nations protected areas which, for United Nations purposes, will be divided into four sectors as follows: sector E (Eastern Slavonia, which includes the areas known as Baranja and Western Srem), sector N (the northern part of the Krajina United Nations protected area), sector S (the southern part of the Krajina United Nations protected area) and sector W (Western Slavonia). In addition, as provided for in paragraph 13 of the plan, military observers will be deployed in certain parts of Bosnia-Hercegovina adjacent to Croatia.

21. UNPROFOR will include military, police and civilian components. It will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The overall command in the field will be exercised by the Force Commander, who will be appointed by the Secretary-General after consultation with the parties and with the consent of the Security Council.

22. The military component will consist of 12 enlarged infantry battalions (10,400 all ranks); headquarters, logistics and other support elements totalling about 2,840 all ranks; and 100 military observers. Its tasks are described in paragraphs 11 and 13 of the plan. The normal rules in United Nations peace-keeping operations for the bearing and use of arms will apply. The military personnel of UNPROFOR will be contributed by Governments, at the request of the Secretary-General, who will consult the parties and obtain the Security Council's approval of the composition of the military component.

23. The police component, which will perform the functions referred to in subparagraph (c) of paragraph 17 above and in paragraph 12 of the plan, will consist of approximately 530 police personnel. It will be commanded by a Police Commissioner appointed by the Secretary-General, who will report to the Force Commander through the Director of Civil Affairs. The police personnel will be provided by Governments, at the request of the Secretary-General and after consultation with the parties.

24. The civilian component, which will consist largely of existing staff members of the United Nations, will perform a range of political, legal, information and administrative functions. The Director of Civil Affairs will establish in each of the four sectors a civil affairs office whose head will work alongside, and in close coordination with, the military commander of the sector. The civil affairs officers will perform the functions described in subparagraphs (a), (b) and (d) of paragraph 17 above concerning local administration and the maintenance of public order.

25. UNPROFOR will require an air unit consisting of 4 fixed-wing aircraft and 26 helicopters. It is intended to obtain these through commercial arrangements.

26. I shall circulate shortly an addendum to the present report which will contain a preliminary cost estimate for UNPROFOR.

IV. OBSERVATIONS

27. The possible deployment of a United Nations peace-keeping operation in Yugoslavia has been under intensive discussion for over three months. Almost all political groups in Yugoslavia have expressed support for such an operation, although they differ in certain respects on where it should be deployed and what its functions should be. I and my representatives have received many moving appeals from citizens of Yugoslavia that immediate United Nations deployment to their country is the only remaining hope for avoiding an even more destructive civil war than that which prevailed during the second half of 1991. Many Member States also have urged me not to delay in recommending the deployment of a United Nations force in accordance with the plan.

28. If it is only now that I am proposing such a force, it has been because of the complexities and dangers of the Yugoslav situation and the consequent

need to be as sure as possible that a United Nations force would succeed in consolidating the cease-fire and thus facilitate the negotiation of an overall political settlement. As has been repeatedly stated, this requires not only a working cease-fire but also clear and unconditional acceptance of the plan by all concerned, with equally clear assurances of their readiness to cooperate in its implementation. As will be evident from section I of the present report, there remain a number of unanswered questions about the extent to which the Force will in practice receive the necessary cooperation. But after careful deliberation I have come to the conclusion that the danger that a United Nations peace-keeping operation will fail because of lack of cooperation from the parties is less grievous than the danger that delay in its dispatch will lead to a breakdown of the cease-fire and to a new conflagration in Yugoslavia.

29. In reaching this conclusion I have made the assumption, which I recognize could also be questioned, that the Yugoslav parties are ready to engage seriously in the difficult task of negotiating an overall settlement in the Conference on Yugoslavia established by the European Community. It is stated in paragraph 5 of the plan that, subject to the Council's agreement, the United Nations Force would remain in Yugoslavia until a negotiated settlement was achieved. The Force will succeed only if there is confidence that this will indeed be the case. Fears that it might be precipitately withdrawn before the underlying problems had been peacefully resolved would have a most unsettling effect in the United Nations protected areas.

30. The Security Council may therefore wish in the present case to decide to establish UNPROFOR for a period of 12 months in the first instance, with provision for its mandate to be renewed if necessary thereafter, in the event of a negotiated settlement not having been achieved. The Security Council could further build confidence by including in its resolution a provision that the Force could be withdrawn before the initial 12-month period was completed only if the Council took a specific decision to that effect.

31. I accordingly recommend, on the basis of the plan annexed to my predecessor's report of 11 December 1991 1/ and my further comments contained in the present report, that the Security Council decide to set up UNPROFOR with immediate effect and that it instruct the Secretary-General to take the measures necessary to ensure the earliest possible deployment of the Force.

Notes

1/ S/23280.

2/ S/23513.

3/ Ibid., para. 13.

4/ Ibid., para. 9.

Annex I

Letter dated 6 February 1992 from the President of the Republic of Croatia addressed to the Personal Envoy of the Secretary-General for Yugoslavia

In order to avoid any misunderstanding, I inform you that I accept, fully and unconditionally, the United Nations Secretary-General's concept and plan which defines the conditions and areas where the United Nations force would be deployed.

(Signed) Franjo TUDJMAN
President of the Republic of Croatia

Annex II

Letter dated 10 February 1992 from the Personal Envoy of the Secretary-General for Yugoslavia addressed to the President of the Republic of Croatia

As I mentioned in my letter to you of 6 February, I was indeed grateful for your facsimile of the same day confirming your full and unconditional acceptance of the concept and plan for a United Nations peace-keeping operation. The Secretary-General immediately notified the Security Council of your acceptance, which was also reflected in Council resolution 740 (1992) adopted on Friday, 7 February.

I was therefore dismayed to see that you are quoted in the media as having called into question your written undertaking to me. I am writing to reconfirm that your full and unconditional acceptance of the plan signifies acceptance of annex III to the Secretary-General's report of 11 December 1991, including specifically paragraph 19, concerning "local police forces", in conformity with paragraph 9 of the Secretary-General's report of 4 February to the Security Council.

(Signed) Cyrus R. VANCE
Personal Envoy of the
Secretary-General

Annex III

Letter dated 11 February 1992 from the President of the Republic of Croatia addressed to the Personal Envoy of the Secretary-General for Yugoslavia

In replying to your letter faxed to me on 10 February 1992, I would like to reiterate the view presented in my letter on 6 February 1992, i.e., that Croatia fully accepts all the terms of reference of the peace plan of the United Nations Secretary-General, which also includes our complete and unconditional acceptance of paragraph 19, annex III, of the report of the Secretary-General of 11 December 1991.

I take advantage of this opportunity to explain some of my comments presented in the interview given to the reporters of The Washington Post and The Guardian on 8 February 1992.

In this interview I wanted to emphasize that the peace plan also envisages the signing of "agreements concerning the status, immunity and facilities to be used by the operation and its members in the implementation of their missions, and particularly concerning the complete freedom of movement and communication". This means that such agreements have to resolve a number of technical questions related to the normalization of life in these areas - from traffic, trade, banking, protection of property and maintenance of public law and order to the return of the refugees and the reconstruction of their homes - and similar questions meant to contribute to the full success of the peace-keeping operation, in order to implement the draft convention on the final settlement of 4 November 1991 and to provide for a successful and fast completion of the Peace Conference, and also suggested in item 9 of the report of the United Nations Secretary-General of 4 February 1992.

Thereby the Republic of Croatia is not making any new requirements but, rather, expects that these matters will be regulated between the United Nations and the Republic of Croatia in the agreements mentioned under items 6 and 1 of the peace plan.

(Signed) Franjo TUDJMAN
President of the Republic of Croatia

Annex IV

Letter dated 11 February 1992 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General

I am sending you herewith a copy of the letter from Mr. Borisav Jović, President of the State Committee for Cooperation with the United Nations, addressed to your Personal Envoy, Mr. Cyrus Vance, concerning the Yugoslav crisis.

(Signed) Darko SILOVIC
Permanent Representative of Yugoslavia
to the United Nations

Enclosure

Letter dated 11 February 1992 from the President of the State Committee for Cooperation with the United Nations addressed to the Personal Envoy of the Secretary-General for Yugoslavia

As you have been informed, Mr. Branko Kostić, the Vice-President of the Socialist Federal Republic of Yugoslavia Presidency, wrote to the United Nations Secretary-General, Mr. Boutros Boutros-Ghali, to inform him that the Assembly of Serbian Krajina had unconditionally endorsed the concept plan for the United Nations peace-keeping operation, that it had expressed its full support and confidence in the work of the Socialist Federal Republic of Yugoslavia Presidency and the State Committee for Cooperation with the United Nations regarding the engagement of peace-keeping forces and that it had particularly supported the positions set out in the letter addressed by the Socialist Federal Republic of Yugoslavia Presidency to the United Nations Secretary-General on 3 February 1992.

The Assembly of the Serbian Krajina Republic, as the highest organ of authority in the region, adopted a specific decision pledging all local authorities to extend their unequivocal support to the United Nations peace-keeping forces in the establishment of the peace-keeping operation.

For your complete information, let me explain that the Assembly comprises 112 deputies elected in 16 communes of Krajina. The Assembly session in question was convened by the Assembly President, Mr. Mile Paspalj, and it was held in Glina. It was able to work legitimately as it was attended by 87 deputies, which is more than the required two thirds for a quorum. Furthermore, representatives of all the communes of Krajina were present, including representatives of the Knin commune. The decision on the unconditional acceptance of the United Nations plan was taken by 81 votes in favour to none against, with 6 abstentions.

It follows therefore that the decision means the definitive and unconditional acceptance of the United Nations plan and full readiness to cooperate in its execution.

Mr. Milan Babić's decision to convene a meeting of the Krajina Assembly in Knin yesterday was prompted by the realization that he was isolated in his views and did not enjoy the support of the highest body of authority of Krajina. A majority of deputies, some 80 of them, failed to show up at all. The attempt to ensure legitimacy for this Assembly session by setting up new communes and electing new deputies also failed. The decision on a referendum at which the people would declare their views for or against the plan taken by such an Assembly session are devoid of any legal grounds or practical effect.

In view of all this, I believe that no undue significance should be attached to these developments. In formal terms the positions and decisions

of that meeting are invalid as it did not have the support of the qualified majority of deputies.

In substance, the United Nations plan has won the support and unconditional approval of the highest representatives of the authorities of Krajina, all its bodies have been pledged to extend all the necessary assistance and support in the implementation of the peace operation and, as the same support has already been extended by other Yugoslav bodies, not a single obstacle remains to the establishment of the operation. Mr. Milan Babić's resistance has now been reduced to a personal opinion which cannot have any bearing on the behaviour of the competent bodies and citizens.

Proceeding from the actual state of affairs, with full responsibility and all the necessary guarantees, I recommend that you advise the United Nations Secretary-General to propose to the Security Council that it take a decision on the deployment of peace-keeping forces in conformity with your concept plan as all the obstacles have been removed in the meantime.

(Signed) Borisav JOVIĆ
President of the State Committee
for Cooperation with the
United Nations